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October 22, 2004

Sent Via Facsimile & U.S. Mail

Elizabeth A. French
Deputy Clerk
United States District Court
1550 Main Street
Springfield, MA 01103

Re: Pentlarge v. Town Clerk of Ware
Civil Action No. 04-30188-MAP

Dear Liz:

Pursuant to our conversation of last week regarding the above referenced case, you had requested that I send you a copy of my recent correspondence to the plaintiff, Mr. Pentlarge, for your file. A copy of my October 4, 2004 correspondence is enclosed herein. Also enclosed is a copy of a letter dated October 14, 2004 from the Town Clerk of the Town of Ware sending a ballot for the November 2, 2004 presidential election to Mr. Pentlarge. This ballot was sent in response to a written request the Town received on October 13, 2004 (a copy of which is also enclosed). I spoke with Mr. Pentlarge on October 19, 2004 and he confirmed that he has received his ballot from the Town.

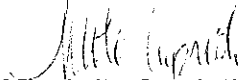
Mr. Pentlarge has retained counsel - William Newman with the ACLU in Northampton. Mr. Newman and I have discussed the matter and have agreed to enter into an Agreement for Judgment to resolve the case. Mr. Newman has stated that I may inform you that the matter, scheduled for October 28, 2004 at 3:00 p.m. may be removed from the Court's calender, by agreement of the parties. Once the Agreement for Judgment is executed, it is my understanding that the case will be dismissed. I will send you a copy of the Agreement for Judgment for the Court's file.

FILED
OCT 25 AM 11:11
U.S. DISTRICT COURT
DISTRICT OF MASS.

October 22, 2004
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In the meantime, if you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,



Nicole B. Caprioli

NBC/

cc: William Newman, Esq.
Town of Ware

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October 4, 2004

Joel Pentlarge
Mass. Treatment Center
30 Administration Road
Bridgewater, MA 02324

Re: Pentlarge v. Town Clerk of Ware
United States District Court, Civil Action No.:04-CV-30188 MAP

Dear Mr. Pentlarge:

I am in receipt of the Complaint and Motion for Preliminary Injunction or Summary Judgment which you have filed in the United States District Court and I have had an opportunity to review same. As I understand your pleadings, you were denied an absentee ballot to vote in the states's primary election on September 14, 2004 on the basis of Article 120 of the Massachusetts Constitution, which was amended in November of 2000 to add text that excepted those persons who are incarcerated in a correction facility due to a felony conviction from voting. You have brought the instant action to enforce your right to vote in the upcoming presidential election.

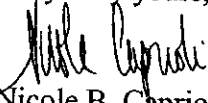
At the time the Town Clerk received your request to vote in the primary election, she believed that you were still incarcerated in a correction facility due to a felony conviction. There was nothing in your September 3, 2004 request indicating otherwise; and in fact, there was a paragraph in such request, which had been crossed out but which could still be seen clearly which stated "Enclosed is a photocopy of the inmate I.D. issued by the Massachusetts Department of Correction here at the Massachusetts Treatment Center." (emphasis added) Based on the Clerk's belief that you were incarcerated and the lack of any statement or evidence by you in your request to suggest otherwise, the Town Clerk informed you that she was "not at liberty to fulfil your request..."

However, your Complaint, which is verified under the pains and penalties of perjury, states at paragraph 14 that "[t]he plaintiff is not now incarcerated in a correctional facility due to a felony conviction." As such, and based upon this information, it appears that you are eligible to vote in the upcoming November 2, 2004 presidential election (and all other national, state and local elections). You have not yet made a request in writing to the Town Clerk for an absentee ballot for the November 2, 2004 election. Once such request is made however, the Town Clerk will promptly mail you an absentee ballot.

October 4, 2004
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I believe that now that the confusion regarding your status in a correctional facility due to a felony conviction has been resolved and upon request, an absentee ballot will be issued to you, the case you have filed which is now pending in the District Court, is rendered moot. Would you please advise me whether you will be dismissing that proceeding? At this time, I will wait to file an Answer to the Complaint until I hear from you regarding dismissal.

Very truly yours,


Nicole B. Caprioli

cc: Nancy J. Talbot, Town Clerk
Ware Board of Selectmen
David A. Wojcik, Esq.
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TEL: 413-967-4471 EXT. 103



**TOWN OF WARE, MASSACHUSETTS
OFFICE OF THE TOWN CLERK**

126 MAIN STREET, WARE, MASSACHUSETTS 01082

NANCY J. TALBOT
TOWN CLERK


October 14, 2004

Mr. Joel Pentlarge
Mass. Treatment Center
30 Administration Rd.
Bridgewater, MA 02324

Dear Mr. Pentlarge:

Enclosed is the Absentee Ballot for the State Election on November 2, 2004. This request was made by you, in a letter sent to me on October 8, 2004 and received in my office on October 13, 2004.

Sincerely,


Nancy J. Talbot
Town Clerk - Ware

October 8, 2004

Joel Pentlarge
Mass. Treatment Center
30 Administration Rd.
Bridgewater, MA 02324

Nancy J. Talbot, Town Clerk
Ware Town Hall
126 Main Street
Ware, MA 01082

RECEIVED
OCT 13 2004
TOWN CLERK

Dear Ms. Talbot:

Will you please send me an absentee ballot for the presidential election, which is scheduled for Tuesday, November 2, 2004.

Thank you.

Very truly yours,


Joel Pentlarge

cc: Attorney William Newman
Attorney Nicole B. Caprioli